

Serial No. 09/525,448
Amendment dated October 12, 2004
Reply to Office Action of May 6, 2004

Docket No. K-0090E

REMARKS/ARGUMENTS

Claims 1, 4-13 and 17-18 are pending. By this Amendment, the specification has been amended, claims 1, 4-5, 9 and 12 are amended, and claims 3, 14-15 and 19-20 are canceled without prejudice or disclaimer.

With regard to the rejections, claims 14-15 and 19-20 are canceled without prejudice or disclaimer, and the rejection related thereto is now moot. Further, independent claim 1, has been amended to incorporate the indicated allowable dependent claim 3, and dependent claims 9 and 12 have been amended in independent form. Hence, these claims are now in condition for allowance, and hence, the rejection related to original independent claim 1 is now moot.

The only outstanding rejection is the rejection of claims 17 and 18 under 35 U.S.C. § 102(b) over Shinio (U.S. Patent No. 5,602,881). This rejection is respectfully traversed.

The Patent Office has decided to give no patentable weight to the specifically recited binary sequences and concludes that it would have been obvious to use any known code for channel estimation and/or frame synchronization. Such conclusion is erroneous.

First, there are no rules or regulations, which require that no patentable weight be given to binary sequences indicated in quotes. The quotes are there for convenience, and could have been omitted. Further, there is no basis for concluding that selection of such known sequence codes for channel estimation and/or frame synchronization would be obvious. It is shown throughout the specification that such code sequences are not known to one of ordinary skill in

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the art, and in fact, it was the inventor of this application, who has arrived at such sequences based on the auto-correlation and/or cross-correlation of the specific binary sequences. Hence, patentable weight needs to be given to these binary sequences, and such binary sequences were not known to one of ordinary skill in the art at the time that the invention was made. Hence, withdrawal of this §102 (b) rejection is respectfully requested since Shinio et al. fails to disclose or teach all the claim features or the combination thereof.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter); (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal (if necessary). Entry is thus requested.

The Examiner is directed to all co-pending applications of this applications and patents or patented applications, which are as follows: U.S. Patent Application Nos. 09/373,703 (docket number K-0090A), 09/376,373 (docket number K-0090B), 09/525,446 (docket number K-0090C), 09/525,444 (docket number K-0090D), and 09/525,447 (docket number K-0090F) under § 609.I.A.2 of MPEP.

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CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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